

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

HOT DOGS & LACE, LLC <i>et al</i> ,	§	
	§	
<i>Plaintiffs</i> ,	§	
	§	Civil Action No. 1:12-cv-583
v.	§	
	§	
A&E TELEVISION NETWORKS, LLC <i>et al</i> ,	§	
	§	
<i>Defendants</i> .	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE**

Plaintiffs Hot Dogs & Lace and Crystal Ward filed suit in Texas state court against Defendants A&E Television Networks, LLC, Sharp Entertainment, LLC, Christie Chreene, and Julie Snead, asserting a variety of what they characterize as state law claims. Defendants removed the case to this court. The case was referred to United States Magistrate Judge Keith F. Giblin pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule CV-72 for consideration and submission of a report containing proposed findings of fact and recommendations for disposition.

On May 21, 2013, the magistrate judge entered a report and recommendation recommending that Plaintiffs' motion to remand the case be granted. The magistrate judge concluded that remand was appropriate because Defendants had not carried their burden to demonstrate that Plaintiffs' claims were preempted by the federal Copyright Act and that federal question jurisdiction therefore existed. Doc. # 22. Defendants filed objections to the report and recommendation. Doc. # 23.

Pursuant to Federal Rule of Civil Procedure 72 and 28 U.S.C. § 636(b), the court has conducted a *de novo* review of the magistrate judge's report and recommendation, Defendants'

objections, and the record as a whole, and concludes that the objections are without merit. Defendants' objections are little more than a re-packaging of the arguments they made in their motion to remand papers. The magistrate judge addressed Defendants' arguments in the report and recommendation, concluding that because Plaintiffs have pled a plausible *Desny*-type claim for idea submission, their claims are therefore not preempted by the Copyright Act and no federal jurisdiction exists. This court agrees with the magistrate judge and overrules Defendants' objections.

IT IS THEREFORE ORDERED that Plaintiffs Hot Dogs & Lace, LLC *et al*'s Motion to Remand [Doc. # 8] is GRANTED. This case is REMANDED to the 75th Judicial District Court of Liberty County, Texas.

So **ORDERED** and **SIGNED** this **2** day of **July, 2013**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge